

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - FLINT

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO.: 05-CR-50083-FL

vs.

ANITA S. DAVIS,

HON. PAUL V. GADOLA
MAG.JUDGE WALLACE CAPEL, JR.

Defendant.

**ORDER FOR PSYCHOLOGICAL EXAMINATION TO
DETERMINE COMPETENCY OF DEFENDANT TO STAND TRIAL;
DEFENDANT'S PRESENT MENTAL CONDITION; AND EXISTENCE
OF INSANITY AT THE TIME OF THE OFFENSE**

The Defendant appeared before the Court on November 8, 2005, following her arrest on an Indictment charging her with Uttering Altered U.S. Treasury Checks, in violation of 18 U.S.C. §

495. At the hearing, the Pretrial Officer's oral report indicated that the Defendant who was previously taking Lithium, for her mental condition, has discontinued using that drug six weeks ago. Further, she relates to hearing voices, and has attempted to commit suicide. Based upon his interview with the Defendant, the Pretrial Officer has expressed concern that she may pose a danger to herself and the community. In view of the concern for the Defendant's mental state I conclude that there exists reasonable cause to believe that she may be suffering from a mental impairment which may render her incompetent to understand the nature of the charges against her and to assist her counsel in the defense of this matter. I further find that she may also pose a serious risk of harm to herself as well as the community. Therefore, based upon the foregoing information in this matter, I hereby order that the Defendant undergo a mental examination in this matter.

The Defendant is hereby placed in the custody of the United States Marshal who is hereby directed to have the Defendant transported to a Federal Correctional Institution where she shall

undergo a psychological/psychiatric evaluation in order to assist the court in determining the Defendant's competency to stand trial; the existence of insanity at the time of the offense; and her present mental condition.

IT IS HEREBY ORDERED that, in accordance with 18 U.S.C. § 4241(b), that a licensed psychologist/psychiatrist, at the Federal Correctional Institution, shall conduct a psychological/psychiatric examination of the Defendant and file a report, pursuant to 18 U.S.C. § 4247(b)(c) as to Defendant's present mental condition; Defendant's mental competency to stand trial; and the existence of insanity at the time of the offense.

IT IS FURTHER ORDERED that the psychologist/psychiatrist assigned to perform the evaluation of the Defendant shall submit a report to the Court, and upon counsel for the Defendant and counsel for the Government no later than **four months** from the date that the Defendant arrives and the Federal Correctional Institution.

IT IS FURTHER ORDERED that the psychologist/psychiatrist shall submit to the Court monthly updated reports as to the status of the mental evaluation of this Defendant.

Dated: November 10, 20

s/ Wallace Capel, Jr.
WALLACE CAPEL, JR.
UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on November 10, 2005, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following: James C. Mitchell, AUSA, David Koelzer, Esq., Federal Defender Office, and I hereby certify that I have either hand delivered or mailed by United States Postal Service the paper to the following non-ECF participants: United States Marshal, 600 Church St., Flint, MI 48502, Pretrial Services Officer, 600 Church St., Flint, MI 48502

s/ James P. Peltier
James P. Peltier
Courtroom Deputy Clerk
U.S. District Court
600 Church St.
Flint, MI 48502
810-341-7850

